

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

&

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 26544 of 2007(I)

PETITIONER:

1. RAMEESA MAHAMOOD, AGED 38 YEARS,
W/O.MAHAMOOD,RESIDING AT HOUSE NO.37/1094 D
STERLING ESTATE, KUMARANASAN ROAD,ERNAKULAM.

RESPONDENTS:

1. THE COMMISSIONER OF POLICE , KOCHI CITY.
2. THE CIRCLE INSPECTOR OF POLICE,
E.T SOUTH POLICE STATION, ERNAKULAM.
3. THE SUB INSPECTOR OF POLICE,KADAVANTHARA
POLICE STATION, ERANAKULAM,.
4. ANWAR, AGED ABOUT 42 YEARS, LAZAR LANE
NEAR KUNNUPURAM CHURCH, FORT KOCHI.WORKING
AS THE SALE AGENT OF MARHABA GOLD OPPOSITE
TO BIMBIS, ERNAKULAM SOUTH.

BY ADV. SRI.V.JOHN SEBASTIAN RALPH
SMT.PREETHY KARUNAKARAN

BY ADV. SRI.P.M.ZIRAJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/09/2007,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

Ext.P1: Complaint preferred by the petitioner before the 3rd respondent.

RESPONDENT'S EXHIBITS

Ext.R4(a): True copy of the agreement between the petitioner and respondent dated 21-05-2007.

Ext.R4(b): True copy of the news item reported in Mathrubhumi daily dated 23.8.2007.

//True copy//

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K.BALAKRISHNAN NAIR &
T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 26544 OF 2007-I

Dated 19th September, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner submits, her husband received some amount from the 4th respondent by way of a loan. He has failed to repay it. Therefore, the 4th respondent is coming to her residence along with some musclemen and threatening her. It is also alleged that certain blank cheques were obtained from her with her signature. Against the threat held out to her, allegedly on 3.9.2007 in the evening, the petitioner has preferred Ext.P1 complaint before the S.I of Police, Kadavanthra. Since the police did not extend any help, this writ petition is filed.

2. The 4th respondent has filed a counter affidavit, in which it is submitted that the petitioner's husband is an accused in defrauding Rs.4 Crores of a Co-operative Bank, as evident from Ext.R4B. It is also submitted that the petitioner has executed Ext.R4A agreement for sale of the property owned by her. In order to wriggle out of the said liability, this writ petition is filed. The 4th respondent denied the allegations against him

regarding the physical threat, violence etc. It is also submitted that he will be taking action against the petitioner in accordance with law, by taking recourse to legal proceedings. This submission is recorded. The learned counsel for the petitioner submitted that Ext.R4A is a forged document.

3. The learned Government Pleader, upon instructions, submitted that Ext.P1 was never filed before the police. On enquiry it was found that presently the petitioner is in Kannur and that no such incident as alleged in Ext.P1 took place on 3.9.2007.

4. Having regard to the submission of the 4th respondent, we feel that no relief need be granted to the petitioner in this writ petition. If the petitioner is aggrieved by the alleged obtaining of blank cheques or forging of documents, she may work out her remedy before the appropriate forum. In the result, the writ petition is dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/